

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) GERALD A. BEECHER, as §  
Trustee of the GERALD A. §  
BEECHER LIVING TRUST, an §  
Oklahoma trust; and §  
(2) LUCY C. BEECHER, as §  
Trustee of the LUCY C. §  
BEECHER LIVING TRUST, an §  
Oklahoma trust, §

*Plaintiffs,* §

vs. §

(1) MIDSHIP PIPELINE §  
COMPANY, LLC, a foreign §  
limited liability company, §  
(2) CHENIERE ENERGY, INC. §  
a foreign corporation, §  
(3) STRIKE, LLC, a foreign §  
limited liability company, §

*Defendants.* §

Case Number: CIV-21-569-J

(Removed from the District Court of  
Kingfisher County, Oklahoma,  
Case No. CJ-2021-00046)

NOTICE OF REMOVAL

Defendant Midship Pipeline Company, LLC, subject to all of its defenses, which are expressly reserved herein, hereby removes Case No. CJ-2021-46, styled as set forth above, from the District Court for Kingfisher County, Oklahoma, to the United States District Court for the Western District of Oklahoma pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and as grounds for its removal states as follows:

1. On May 5, 2021, Plaintiffs Gerald A. Beecher, as Trustee of the Gerald A. Beecher Living Trust, an Oklahoma trust; and Lucy C. Beecher, as Trustee of the Lucy C.

Beecher Living Trust, an Oklahoma trust, filed a Petition in the District Court for Kingfisher County, Oklahoma, styled Gerald A. Beecher, as Trustee of the Gerald A. Beecher Living Trust, an Oklahoma trust; and Lucy C. Beecher, as Trustee of the Lucy C. Beecher Living Trust, an Oklahoma trust, Plaintiffs, vs. Midship Pipeline Company, LLC, a foreign limited liability company, Cheniere Energy, Inc. a foreign corporation, Strike, LLC, a foreign limited liability company, Defendants, Case No. CJ-2021-46 (the “State Court Action”). A copy of the Petition with exhibits is attached as **Exhibit 1** hereto.

2. Defendant Midship Pipeline Company, LLC (“Midship”), was served with the summons and Petition on May 7, 2021.

3. The Petition purports to assert six causes of action including: (1) negligence/negligent injury to property; (2) negligence *per se*; (3) malicious/willful injury to property; (4) private nuisance; (5) trespass; and (6) deceit. Each of Plaintiffs’ claims is based on their contention that Midship failed to adhere to duty of care set forth by the regulations issued by the Federal Energy Regulatory Commission (“FERC”) with regard to construction of the Midship pipeline, which failure allegedly resulted in infliction of damages to Plaintiff’s property.

4. The relief Plaintiffs seek includes (a) actual and consequential damages in a sum in excess of \$75,000.000; (b) punitive and exemplary damages; (c) attorneys’ fees and costs; and (d) “any other relief as is just and proper under the facts and circumstances of this case.”

5. This Court has jurisdiction over this matter under 28.U.S.C. § 1332(a), because there is complete diversity of citizenship between Plaintiffs and Defendants and more than \$75,000.00, exclusive of interest and costs, is in controversy.

6. Plaintiffs allege that they are residents of the State of Oklahoma and that their primary residence is in Kingfisher County, Oklahoma.

7. Midship is a Delaware limited liability company with the principal place of business in Houston Texas. Midship is not a citizen of Oklahoma because it is a limited liability company without any owner or member that is a citizen of Oklahoma. Midship's sole member is Midship Holdings, LLC, a Delaware limited liability company. Midship Holdings, LLC's principal place of business is 700 Milam Street, Suite 1900, Houston, Texas 77002. Midship Holdings, LLC's members are Cheniere Midship Holdings, LLC and EIG Midship Holdings I, LP. Cheniere Midship Holdings, LLC is a Delaware limited liability company, with its principal place of business at 700 Milam Street, Suite 1900, Houston, Texas 77002. *See* Affidavit of Lindsay Robins attached hereto as **Exhibit 2**. EIG Midship Holdings I, LP, is a Delaware limited partnership, with its principal place of business at 1600 New Hampshire Avenue NW, Suite 1200, Washington, DC 20037. *See* Declaration of Michael Ravvin, attached hereto as **Exhibit 3**. None of the members identified above is a citizen of Oklahoma. *Id.*

8. Cheniere Energy, Inc. ("Cheniere") is a Delaware corporation with the principal place of business in Houston, Texas. *See Exhibit 2*.

9. Strike, LLC is a limited liability company, whose sole member is Strike HoldCo, LLC. Strike HoldCo, LLC is a limited liability company, whose sole member is

Strike Investment, LLC. Strike Investment, LLC is a limited liability company, whose members are Strike Capital, LLC and Mill Point Strike Splitter, L.P. Strike Capital, LLC is a limited liability company, whose members are (i) OEP Strike LLC, and (ii) other non-majority private equity owners of the common units of Strike Capital, LLC. OEP Strike LLC is a limited liability company, whose members include two limited partnership members who are private equity funds. None of the private equity owners, owners of common units, trusts, partners, limited partners and/or members of any of the above-described entities are domiciled in and citizens of the State of Oklahoma. *See* Declaration of Rhonda Sigman attached hereto as **Exhibit 4**.

10. Plaintiffs in this action requested over \$75,000.00 in actual and consequential damages, as well as punitive and exemplary damages, for themselves and attorneys' fees and costs. Thus, well over \$75,000.00 is in controversy and the jurisdictional threshold under 28 U.S.C. §1332(a) is satisfied.

11. For purposes of establishing minimum diversity necessary for jurisdiction, a limited liability company, such as Midship and Strike, LLC, takes the citizenship of all its members; *Siloam Springs Hotel, LLC v. Century Surety Company*, 781 F3d. 1233, 1239 (10th Cir. 2015). A corporation, such as Cheniere Energy, Inc., is deemed to be a citizen of every State and foreign state in which it has been incorporated and of the State or foreign state where it has its principal place of business. 28 U.S.C. § 1332. Because Plaintiffs are citizens of Oklahoma, and Defendants Midship, Cheniere Energy, Inc. and Defendant Strike, LLC are not citizens of Oklahoma, complete diversity requirement of 28 U.S.C. § 1332(a)(1) is satisfied.

12. In accordance with 28 U.S.C. § 1446(a) and LCvR 81.2, copies of all documents served on Midship in the case to date, along with a copy of the Docket Sheet, are submitted with this Notice of Removal as **Exhibits 7 through 23**, an Index of all matters being filed attached as **Exhibit 24** and a list of all parties and counsel of record, including addresses, telephone numbers and email addresses and parties represented, is attached as **Exhibit 25**.

13. This Notice of Removal has been filed within 30 days of the date that Midship was served with the summons in this matter. Removal therefore is timely in accordance with 28 U.S.C. § 1446(b).

14. Venue is proper in this Court because the U.S. District Court for the Western District of Oklahoma is the federal judicial district embracing the District Court for Kingfisher County, Oklahoma, where the State Court Action was originally filed. 28 U.S.C. §§ 1441 and 1446.

15. Defendants Strike and Cheniere, subject to all of their defenses, which are expressly reserved herein, consent to removal. *See Exhibits 5 and 6.*

WHEREFORE, Defendant Midship Pipeline Company, LLC respectfully prays that this Notice of Removal be accepted by the Court, and that the lawsuit proceed as an action properly removed to this court's jurisdiction.

Respectfully submitted,

HALL, ESTILL, HARDWICK,  
GABLE, GOLDEN & NELSON, P.C.

/s/ D. Kenyon Williams, Jr.

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**MIDSHIP PIPELINE COMPANY, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on June 4, 2021, I electronically transmitted the attached document to the Clerk of Court using the Electronic Case Filing System for filing. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

I hereby further certify that the foregoing Notice of Removal with exhibits was sent via United States Mail on the 4th day of June, 2021, postage prepaid thereon to:

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John A. Krahll, Esq.  
Henry A. Meyer, III, Esq.  
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